



TFW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

ATTORNEY DOCKET NO. 049212-0102

Applicants: Bruce BENT et al.
Title: MONEY FUND BANKING SYSTEM
Appl. No.: 10/825,440 Reissue
Filing Date: 04/14/2004
Examiner: Jagdish Patel
Art Unit: 3693
Confirmation Number: 8474

SUPPLEMENTAL LITIGATION NOTIFICATION

Mail Stop REISSUE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This communication is provided pursuant to 37 C.F.R. 1.178(b), concerning the above-referenced patent application.

Pursuant to 37 C.F.R. 1.178(b), Applicants are providing a supplemental litigation notice of a concurrent proceeding in which the U.S. Patent No. 6,374,231 (the '231 patent) is involved.

Applicants' representative was notified by the firm of Amster, Rothstein & Ebenstein LLP, acting as litigation counsel for the assignee Island Intellectual Property LLC (defined as "Island IP"), Island IP's exclusive licensees, LIDs Capital LLC ("LIDs") and Intraseep LLC, and their sublicensee, Double Rock Corporation, collectively, "the Island IP Parties," that the suits previously notified to the USPTO to enforce U.S. Patent No. 7,509,286 (a continuation-in-

part of patent applications: Ser. No. 09/677,535, filed on Oct. 2, 2000, Ser. No. 10/071,053, filed Feb. 8, 2002, and Ser. No. 10/382,946 filed Mar. 6, 2003, all these applications are continuations-in-part of patent application Ser. No. 09/176,340, now U.S. Patent No. 6,374,231, currently in reissue), U.S. Patent No. 7,519,551, (a continuation-in-part of patent application Ser. No. 09/176,340, filed on Oct. 21, 1998 now U.S. Patent No. 6,374,231, currently in reissue, and a continuation-in-part of patent application Serial No. 09/677,535), and U.S. Patent No. 7,536,350 (a continuation-in-part of patent application Ser. No. 09/677,535, filed Oct. 2, 2000, and a continuation-in-part of patent application Ser. No. 10/071,053, filed Feb. 8, 2002, both of which are continuations-in-part of patent application Ser. No. 09/176,340, filed Oct. 21, 1998 and now U.S. Patent No. 6,374,231, currently in reissue), against several accused infringers in the U.S. District Court for the Southern District of New York, case nos. 09 CV 2675, 09 CV 3750, and 09 CV 4673, and the suits in the Eastern District of Virginia against the Island IP Parties relating to U.S. Patent No. 6,374,231, U.S. Patent No. 7,509,286, U.S. Patent No. 7,519,551, and U.S. Patent No. 7,536,350, case numbers 1:09 CV 316, 3:09 CV 217, 1:09 CV 316, and 3:09 CV 322, with counts of non-infringement, invalidity, unenforceability, as well as federal and state tort claims, have been consolidated into case no. 09 CV 2675, in the U.S. District Court for the Southern District of New York and the other cases superseded.

Applicants' representative was notified that in this consolidated suit in the U.S. District Court for the Southern District of New York, case no. 09 CV 2675, the following first amended consolidated complaint, answers and counterclaims to the first amended consolidated complaint, and replies to the answers and counterclaims to the first amended consolidated complaint were filed by the defendants and the Island IP Parties in that action. These pleadings are listed below and being submitted as part of the IDS being filed herewith:

- [The Island IP Parties'] Consolidated First Amended Complaint (filed June 11, 2009) (**IDS Item N3**)
- Answer [and Counterclaims] of Defendant Promontory Interfinancial Network, LLC (filed June 25, 2009) (**IDS Item N4**)

- Answer [and Counterclaims] of Defendant MBSC Securities Corporation (filed June 25, 2009) (**IDS Item N5**)
- Total Bank Solutions, LLC's Answer to Consolidated First Amended Complaint and Counterclaims (filed June 25, 2009) (**IDS Item N6**)
- Deutsche Bank Trust Company Americas' Answer to Consolidated First Amended Complaint and Counterclaims (filed June 25, 2009) (**IDS Item N7**)
- Deutsche Bank AG's Answer to Consolidated First Amended Complaint (filed June 25, 2009) (**IDS Item N8**)
- The Island Plaintiffs' Reply to Defendant Promontory Interfinancial Network LLC's Counterclaims (filed July 9, 2009) (**IDS Item N9**)
- The Island Plaintiffs' Reply to Defendant MBSC Securities Corporation's Counterclaims (filed July 9, 2009) (**IDS Item N10**)
- The Island Plaintiffs' Reply to Defendant Total Bank Solutions, LLC's Counterclaims (filed July 9, 2009) (**IDS Item N11**)
- The Island Plaintiffs' Reply to Defendant Deutsche Bank Trust Company Americas' Counterclaims (filed July 9, 2009) (**IDS Item N12**)

Applicants state that they have no current knowledge of prior or concurrent interferences, other reissues, or reexaminations in which the '231 patent is involved.

The examiner should be aware that the following co-pending patent applications disclosed in an IDS relate to similar kinds of products, although the claims are clearly patentably distinct. The most recent action for these applications is listed.

10/825,440 filed 04-14-04 (03/25/09 Advisory Office Action rejection) (Present case)
09/677,535 filed 10-02-00 (07/22/08 Notice of Allowance – Proposed amendment
filing – Petition to Withdraw to file IDS and Amendment – Dismissal of Petition – Petition
Renewed – Petition granted.)

10/071,053 filed 02-08-02 (Issued as U.S. Patent No. 7,519,551)

10/305,439 filed 11-26-02 (Notice of Allowance 5/28/09)

11/149,278 filed 06-10-05 (12/19/08 Office Action rejection received – Response
filed)

10/382,946 filed 03-06-03 (Issued as U.S. Patent No. 7,536,350)

10/411,650 filed 04-11-03 (Issued as U.S. Patent No. 7,509,286)

11/641,046 filed 12-19-06 (02/19/09 Office Action with rejection)

11/689,247 filed 03-21-07 (02/02/09 Office Action with rejection)

11/767,827 filed 06-25-07 (03/06/09 Office Action with rejection)

11/767,837 filed 06-25-07 (02/05/09 Office Action with rejection)

11/767,846 filed 06-26-07 (02/25/09 Office Action with rejection)

11/767,856 filed 06-25-07 (02/25/09 Office action with rejection)

11/840,064 filed 08-16-07 (10/15/08 Office Action with rejection)

11/840,060 filed 08-16-07 (Response filed 12/09/08 to Office Action with rejection)

11/840,052 filed 08-16-07 (Response filed 12/11/08 to Office Action with rejection)

11/932,762 filed 10-31-07 (Response filed 11/24/08 to Office Action with rejection –
Request for further response – Response filed.)

12/271,705 filed 11-14-08 (03/20/09 Office action with rejection)

12/025,402 filed 02-04-08

12/340,026 filed 12-19-08

12/408,507 filed 03-20-09

12/408,511 filed 03-20-09

12/408,523 filed 03-20-09

The examiner is directed to review the file of these other co-pending applications as
he/she deems appropriate, to determine the reasoning and references applied in the current
and/or prior office actions, as well as applicants' responses thereto.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any deficiency or credit any overpayment to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, applicants hereby petition for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

July 17, 2009

Date

FOLEY & LARDNER LLP

Customer Number: 22428

Telephone: (202) 672-5485

Facsimile (202) 672-5399



William T. Ellis

Attorney for Applicants

Registration No. 26,874